

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: CICVARA, PREDRAG VS. GILLETTE COMPANY <u>et al</u>		District Court or Agency: CONNECTICUT		Judge: Judge HALL	
		Date the Order or Judgment Appealed from was Entered on the Docket: DECEMBER 13, 2011		District Court Docket No.: 3:9-CV-2054 (JCH) (HF)	
		Date the Notice of Appeal was Filed: JANUARY 19, 2012		Is this a Cross Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Attorney(s) for Appellant(s): <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	Counsel's Name: Address: Telephone No.: Fax No.: E-mail: Igor I. Sikorsky, Jr., P.C. (860)675-5313 P.O. Box 38 - Unionville, CT 06085 (860)675-7104 <div style="text-align: right;">Igorbox38@hotmail.com</div>				
Attorney(s) for Appellee(s): <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant	Counsel's Name: Address: Telephone No.: Fax No.: E-mail:				

Has Transcript Been Prepared? Yes to extent to be used	Approx. Number of Transcript Pages: -	Number of Exhibits Appended to Transcript: 4	Has this matter been before this Circuit previously? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide the following: Case Name: 2d Cir. Docket No.: Reporter Citation: (i.e., F.3d or Fed. App.)		
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ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; AND (3) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.

ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.

PART A: JURISDICTION

1. Federal Jurisdiction <input type="checkbox"/> U.S. a party <input checked="" type="checkbox"/> Diversity <input type="checkbox"/> Federal question (U.S. not a party) <input type="checkbox"/> Other (specify): _____	2. Appellate Jurisdiction <input checked="" type="checkbox"/> Final Decision <input type="checkbox"/> Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b)) <input type="checkbox"/> Interlocutory Decision Appealable As of Right <input type="checkbox"/> Other (specify): _____
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IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.


PART B: DISTRICT COURT DISPOSITION (Check as many as apply)

1. <u>Stage of Proceedings</u> <input checked="" type="checkbox"/> Pre-trial <input type="checkbox"/> During trial <input type="checkbox"/> After trial	2. <u>Type of Judgment/Order Appealed</u> <input type="checkbox"/> Default judgment <input type="checkbox"/> Dismissal/jurisdiction <input type="checkbox"/> Dismissal/merit <input checked="" type="checkbox"/> Summary judgment <input type="checkbox"/> Declaratory judgment <input type="checkbox"/> Judgment / Decision of the Court <input type="checkbox"/> Jury verdict <input type="checkbox"/> Judgment NOV <input type="checkbox"/> Directed verdict <input type="checkbox"/> Other (specify):	3. <u>Relief</u> <input type="checkbox"/> Damages: <input checked="" type="checkbox"/> Sought: \$ _____ <input type="checkbox"/> Granted: \$ _____ <input type="checkbox"/> Denied: \$ _____ <input type="checkbox"/> Injunctions: <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Denied
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PART C: NATURE OF SUIT (Check as many as apply)

1. <u>Federal Statutes</u> <input type="checkbox"/> Antitrust <input type="checkbox"/> Bankruptcy <input type="checkbox"/> Banks/Banking <input type="checkbox"/> Civil Rights <input type="checkbox"/> Commerce, <input type="checkbox"/> Energy <input type="checkbox"/> Commodities <input checked="" type="checkbox"/> Other (specify): <u>ERISA</u>	<input type="checkbox"/> Communications <input type="checkbox"/> Consumer Protection <input type="checkbox"/> Copyright <input type="checkbox"/> Trademark <input type="checkbox"/> Election <input type="checkbox"/> Soc. Security <input type="checkbox"/> Environmental <input type="checkbox"/> Freedom of Information Act <input type="checkbox"/> Immigration <input type="checkbox"/> Labor <input type="checkbox"/> OSHA <input type="checkbox"/> Securities <input type="checkbox"/> Tax	2. <u>Torts</u> <input type="checkbox"/> Admiralty/ Maritime <input type="checkbox"/> Assault / Defamation <input type="checkbox"/> FELA <input type="checkbox"/> Products Liability <input type="checkbox"/> Other (Specify):	3. <u>Contracts</u> <input type="checkbox"/> Admiralty/ Maritime <input type="checkbox"/> Arbitration <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Employment <input type="checkbox"/> Insurance <input type="checkbox"/> Negotiable Instruments <input type="checkbox"/> Other Specify	4. <u>Prisoner Petitions</u> <input type="checkbox"/> Civil Rights <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Mandamus <input type="checkbox"/> Parole <input type="checkbox"/> Vacate Sentence <input type="checkbox"/> Other
5. <u>Other</u> <input type="checkbox"/> Forfeiture/Penalty <input type="checkbox"/> Real Property <input type="checkbox"/> Treaty (specify): _____ <input type="checkbox"/> Other (specify): _____	6. <u>General</u> <input type="checkbox"/> Arbitration <input type="checkbox"/> Attorney Disqualification <input type="checkbox"/> Class Action <input type="checkbox"/> Counsel Fees <input type="checkbox"/> Shareholder Derivative <input type="checkbox"/> Transfer	7. Will appeal raise constitutional issue(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Will appeal raise a matter of first impression? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

1. Is any matter relative to this appeal still pending below? <input type="checkbox"/> Yes, specify: _____ <input checked="" type="checkbox"/> No			
2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which:			
(A) Arises from substantially the same case or controversy as this appeal?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(B) Involves an issue that is substantially similar or related to an issue in this appeal?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, state whether <input type="checkbox"/> "A," or <input type="checkbox"/> "B," or <input type="checkbox"/> both are applicable, and provide in the spaces below the following information on the <i>other</i> action(s):			
Case Name:	Docket No.	Citation:	Court or Agency:
Name of Appellant:			

Date: <u>JAN. 19, 2012</u>	Signature of Counsel of Record: 
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NOTICE TO COUNSEL

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only ten (10) calendar days in which to complete the following important steps:

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file an original and one copy with the Clerk of the Second Circuit.
2. File an original and one copy of the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit.
3. Pay the \$255 docketing fee to the Clerk of the United States District Court, unless you are authorized to prosecute the appeal without payment.

PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN TEN (10) CALENDAR DAYS, YOUR APPEAL WILL BE DISMISSED. SEE THE CIVIL APPEALS MANAGEMENT PLAN OF THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

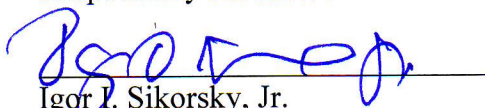
ADDENUM A

- 1) Description of action: Plaintiff brought an action stating he was wrongfully divested from stock options.
- 2) The Court for the District of Connecticut (J. Hall) granted the defendants motion for the Summary Judgment.
- 3) Copy of the ^{Opinion}~~option~~ below is attached.

APPENDUM B

- 1) The “plan” of the defendant provided that stock options could be divested if actions of the optionee (plaintiff herein) “materially and demonstratively” ~~injured~~ ^{injured} the defendant. The options were divested with absolutely no evidence of a “material and demonstratable” effect on the defendant, thus effecting an “arbitratable and capricious” ruling.
- 2) Whether the actions of the defendant were arbitrary and capricious in that they were made totally without a scintilla of evidence to support the divestiture of stock options?.
- 3) Whether ERISA gave an unlimited blank check to Gillette?.
- 4) Whether the actions of the defendant violated the terms and provisions of ERISA?
- 5) Whether the actions of the defendant were motivated by lies and malice in violation to their statutory and contractual duty to determine in good faith?
- 6) Whether the actions of the defendant were contrary to the constitutional mandates ?

Respectfully submitted



Igor J. Sikorsky, Jr.

P.O. Box 38

Unionville, CT 06085

(860) 675-5313

Fed. Bar No.:04233